

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

Wall Street Plaza

88 Pine Street, 24th Floor

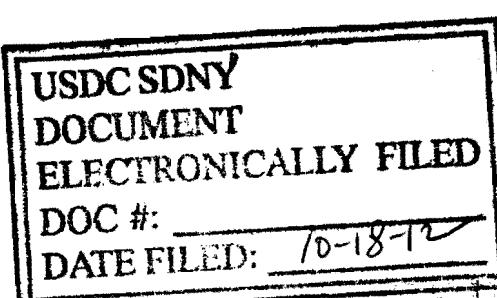
New York, N.Y. 10005

T. (212) 483-9490

F. (212) 483-9129

Attorneys for Plaintiff,

St. Paul Mercury Insurance Company of America



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ST. PAUL MERCURY INSURANCE COMPANY OF AMERICA	Civil Action No: 12-cv-6322 (JFK)
Plaintiff,	Hon. John F. Keenan, U.S.D.J.
-against-	
M&T BANK CORPORATION	<u>ORDER TO SHOW CAUSE FOR ENTRY OF DEFAULT JUDGMENT</u>
Defendant.	

Upon the affidavit of Richard S. Mills, Esq., sworn to on the 18th day of October, 2012, with exhibits A-D annexed thereto, including a copy of the summons, complaint and affidavit of service, together with the Plaintiff's Statement of Damages, Proposed Default Judgment, and Clerk's Certification of Default, it is:

ORDERED that the above named Defendant, M&T Bank Corporation, appear and show cause before a motion term of this court, at Room 20C, United States Courthouse, 500 Pearl Street, in the city of New York, County of New York, State of New York, on the 31 day of October, 2012, at 1045 o'clock in the for noon, or as soon thereafter as counsel may be heard, why default judgment should not be entered against it pursuant to Fed. R. Civ. P. 55 and Local Rules 55.1 and 55.2 due to its failure to plead or otherwise defend this action;

IT IS FURTHER ORDERED that service by overnight mail of a copy of this order and the annexed supporting documents described above upon the Defendant or its counsel on or before 4 o'clock in the after noon on the 24 day of October, 2012, shall be deemed good and sufficient service thereof.

DATED: New York, New York
October 18, 2012


HON. JOHN F. KEENAN, U.S.D.J.

TO: Patrick M. Tomovic, Esq.
Hodgson Russ LLP
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202
*Attorneys for M&T Bank and
M&T Bank Corporation*

M&T Bank Corporation
One M&T Bank Corporation, 12th Floor
Buffalo, New York 14203-2399